

THE FOREIGN SERVICE

OF THE

UNITED STATES OF AMERICA

712.378/5-2749

No. 431

American Embassy,

~~RESTRICTED~~

Habana, Cuba, May 27, 1949

Subject: Cuban-Mexican Friction over Cuban Fishing  
Operations off Mexican Coast, and Resultant  
Negotiations for a Treaty or Convention.

REC'D  
MAY 31

ACTION  
U/FW

INFO  
DCR  
ARA  
TRC  
OLI  
ITP  
QFD

The Honorable

The Secretary of State,  
Washington, D.C.

Sir:

712.378 / 4-1949 U/FW

I have the honor to refer to Embassy's A-522 of AR 812.628  
April 19, 1949 and to subsequent airgrams with respect  
to Mexico's interning Cuban vessels fishing off the  
Gulf of Campeche; and to report later developments  
which led to serious friction between Cuban and  
Mexican nationals and enterprises, but which apparently  
have induced the Cuban and Mexican Governments to renew  
negotiations for a Navigation and Fishing Treaty or a  
Commercial Convention.

At a joint assembly on April 22 the Cuban Coopera-  
tive of Outfitters, the Cuban Fishermen's Union (labor),  
and the Cuban Association of Skippers agreed to suspend  
fishing operations off the Mexican coast beginning  
April 23 and until such time as the Cuban Government  
either despatched Cuban warcraft to escort fishing  
vessels, or entered into an agreement with the Mexican  
Government whereby the latter would not molest Cuban  
vessels while fishing in international waters off the  
Mexican coast; to protest to the President of Cuba  
against the "reckless and vexatious (vejaminoso)"  
behavior of Mexican warships; to apply to the Cuban  
Government for a subsidy compensating fishing companies  
for the losses that might result from the suspension of  
fishing; to file claim through the Cuban Ministry of  
State against the Mexican Government for all damages and  
losses resulting from its seizure of Cuban vessels; to  
designate a committee to muster the support of Cuban  
employers and laborers for a campaign against Mexican  
interests in Cuba and to prevent Mexico from marketing  
its products in Cuba; and, finally, to urge the Cuban  
Government to take to an international organization the  
question of Cuba's rights in the Gulf of Mexico or have  
the Cuban Navy exercise vigilance to prevent the Mexi-  
cans from "despoiling (despojar) Cuba of a right  
recognized by international law." Cuban outfitters

VITAL  
STORAGE

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ordered/

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ordered all fishing vessels in port not to sail and those returning from fishing expeditions off the Gulf of Mexico to moor in port, and suspended provisions of ice, victuals, etc.

On April 23 a United Press despatch from Progreso reported that the Mexican authorities had freed the Cuban fishing vessels Astillero, Mary, and Tenerife. That same day the Cuban Cooperative of Outfitters contradicted this report and explained that the vessels were not free to return to Cuba because the maritime and fiscal authorities at Progreso demanded payment of fishing fees for the catches on board. On April 28 the Astillero and the Mary were finally released after the Cuban Embassy in Mexico agreed to accept responsibility for payment of the fishing fees. Back in Habana, the skippers stated at an assembly of fishing organizations that when the Mexican warships accosted them, the Astillero was at eleven fathoms and about 13 miles from the Mexican coast, while the Mary was at 16 fathoms and an undetermined but large distance from the coast.

Meanwhile, the Cuban Federation of Maritime Workers, at the instigation of the Cuban Fishermen's Union, cabled the President of Mexico that the Federation had voted to protest to him against Mexico's treatment of Cuban fishing vessels and to unload no Mexican merchandise at Cuban ports if Mexico continued to seize Cuban vessels. On May 5 a group of some 25 fishermen carrying banners protesting against the seizures picketed the Mexican Embassy in Habana while the Embassy was celebrating a Mexican holiday, and threw at the guests leaflets of protestation. Officials of the Mexican Embassy reportedly were vexed at this demonstration, shouted "barbarians" at the demonstrators, and requested the police to remove them. That night the fishermen reportedly placed stink-bombs in several theaters of Habana showing Mexican films, and urged the spectators not to patronize Mexican products.

The Cuban press at first was circumspect and conciliatory, but later gave vent to patriotic feelings. "Mexico's claim of jurisdiction over nine miles or more of Gulf waters is absurd and violates international laws," objected editorially on April 28 El Mundo, a leading daily. "Neither Mexico nor Cuba have any privileges in such waters, where there is freedom for the whole world to enjoy . . . Mexico cannot grant a right which it does not itself own . . ." The Diario de la Marina on May 1 commented that the seizures of vessels flying the Cuban flag hurt national pride, were irritating, and reflected hostility against the

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Cuban people. On May 6 it indignantly protested against the use on April 20 of the term "pirates" allegedly applied by Mexico's daily Excelsior to Cuban fishermen. On May 10 it warned Mexico that the balance of trade between the two countries has always been unfavorable to Cuba, that many products which Cuba imports from Mexico can be grown in Cuba, and that Mexico's hindering fishing operations might result in Mexico's losing the Cuban market.

By May 8 the Cuban Ambassador to Mexico had negotiated a modus vivendi with the Mexican Government whereby the latter agreed not to molest Cuban vessels fishing nine miles from Mexico's coast, and that should Mexican coast-guards consider that the vessels are within the nine-mile limit they are to draw up a report indicating latitude, fathom and other pertinent information which the Mexican authorities might later review; but under no circumstances are they to intern the vessels. The Cuban Government, in acquiescing to the fishermen's refraining from fishing within nine miles of the Mexican coast reportedly does not intend to recognize Mexico's jurisdiction over such limit but intends rather to submit to international arbitration. As a result of the aforementioned modus vivendi, the Cuban deep-water fishing fleet on May 10 resumed operations off the Mexican coast, after a stoppage of 16 days.

The Embassy has not ascertained just what kind of treaty or convention the Cuban and Mexican Governments are negotiating, but Cuban press reports and despatches from news agencies in Mexico indicate that:

- a) Mexico claims jurisdiction over all shallow waters along its coast, which it will soon definitely demarcate. Soundings will be made of the depth at which Cuban fishing vessels operate, thus determining jurisdiction by the depth of the waters rather than the distance from the coast. This position apparently differs from the assertion of jurisdiction only over nine miles of waters off the coast.
- b) The Mexican Navy has proposed to the President of Mexico a pact whereby Mexico would establish a fisheries office in Habana which would issue fishing licenses to Cuban vessels and would collect fishing fees from Cuban fishermen on fish caught in Mexican waters.

c) The Cuban/

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- c) The Cuban Ambassador to Mexico has been shuttling back and forth to Habana for consultations. On May 24 he conferred with representatives from the Cuban Cigar Manufacturers' Association, who reportedly have stated that large quantities of cigars could be sold to tourists visiting Mexico and demanded that Mexico fulfill its 1946 commitment to buy 3 million cigars. Exemption of duties and the same internal taxes for Cuban as for Mexican cigars reportedly will be sought.

Embassy contacts report that Mexico in turn seeks a lower Cuban tariff on Mexican motion picture films, possibly the same as for Spanish and Argentine films; and most-favored-nation treatment for chickpeas and petroleum products.

Respectfully yours,

For the Ambassador:

Harold S. Tewell  
Counselor of Embassy

JLMartinez:HSTewell/mfd

CC - Embassy, Mexico City.

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